

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 PM-03 NSC-05 SP-02 SS-15 L-02 H-02

SCS-03 EB-07 OFA-01 SCA-01 INR-07 DLOS-03 PRS-01

CG-00 DOTE-00 SSO-00 NSCE-00 USIE-00 INRE-00 PA-01

/064 W

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O 132355Z MAR 75

FM AMCONSUL GUAYAQUIL

TO SECSTATE WASHDC IMMEDIATE 3797

INFO AMEMBASSY QUITO IMMEDIATE

C O N F I D E N T I A L GUAYAQUIL 0454

E.O. 11652 : GDS

TAGS: PFOR, EFIS, EC, US

SUBJ: NEPTUNE INCIDENT

REF: STATE 056753

1. BEFORE THE NEPTUNE DEPARTED, CAPT. BURICH WROTE A LETTER TO THE SALINAS PORT CAPTAIN REQUESTING HIS ASSISTANCE IN RECOVERING ITEMS STOLEN FROM CREW MEMBERS BY ECUADOREAN BOARDING PARTY (GUAYAQUIL 434, PARA 2). UNDER COVER OF LETTER FROM CONGEN, BURICH LETTER, ALONG WITH

SUMMARIZED LIST OF MISSING ITEMS AND LISTS COMPILED BY INDIVIDUAL CREW MEMBERS, WAS DELIVERED TO NAVAL ZONE CHIEF OF STAFF RUIZ AT APPROXIMATELY 0930 MARCH 13.

2. WHEN CARDENAS MENTIONED ECUADOREAN LIST OF DAMAGES HE MAY HAVE BEEN REFERRING TO "ACTA" THAT I HAD TO SIGN AS CONDITION THAT NEPTUNE CREWMEN BE GIVEN PERMISSION TO RETURN TO THEIR VESSEL. THIS "ACTA", AND MY DIRECT INVOLVEMENT IN EVENTS OF MARCH 6 ARE DESCRIBED IN MEMO POUCHED TO ARA/LA - EP ON MARCH 11. FOLLOWING IS EXTRACT FROM THIS MEMO THAT DEALS WITH THIS PORTION OF MARCH 6 ACTIVITIES:

"I ARRIVED AT THE NAVAL BASE ABOUT 1245. I FOUND THE CREW OF THE NEPTUNE, MOSS AND ROSARIO SEATED IN A BUS PARKED IN THE SUN IN FRONT

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OF THE BASE COMMANDER'S OFFICE. ARMED ECUADOREAN GUARDS, ABOUT 15,

WERE MILLING AROUND THE BUS IN AN AGITATED AND EXCITED MANNER. THERE WAS NO OFFICER IN SIGHT. I WAS INFORMED THAT THE OFFICERS HAD GONE TO LUNCH.

"ROSARIO LEFT THE BUS AND GAVE ME A BRIEF RUNDOWN ON THE SITUATION. HE SAID HE FEARED FURTHER VIOLENCE FROM THE ECUADOREAN GUARDS. FOR THIS REASON HE AND MOSS HAD REFUSED TO LEAVE THE BUS. I SPOKE WITH THE CAPTAIN OF THE NEPTUNE, JOHN BURICH, THROUGH THE WINDOW OF THE BUS. A PETTY OFFICER REFUSED MY REQUEST TO ENTER THE BUS TO TALK WITH BURICH.

"LEAVING ROSARIO AND MOSS ON THE BUS, I WENT TO THE OFFICER'S CLUB WHERE I FOUND LT. TOLEDO, PORT CAPTAIN AND OFFICER OF THE DAY. ON MY REQUEST WE RETURNED TO THE BUS WHERE TOLEDO GAVE INSTRUCTIONS THAT I BE PERMITTED TO ENTER THE BUS AND THAT THE GUARDS STAND CLEAR OF THE VEHICLE.

"AFTER TALKING WITH BURICH AND SOME OF THE CREW MEMBERS I LEFT THE BUS AND ENTERED THE BASE COMMANDER'S OFFICE WHERE I FOUND GALARZA. I TOLD HIM I REGRETTED THAT ECUADOREAN GUARDS HAD BEEN FORCED TO LEAVE THE NEPTUNE BUT THAT IT SEEMED TO ME THAT EXCESSIVE FORCE, WHICH INCLUDED THE FIRING OF WEAPONS, HAD BEEN USED BY THE ECUADOREAN BOARDING PARTY. GALARZA BECAME ANGRY AND INSISTED THAT ONLY REQUIRED FORCE HAD BEEN USED. HE CALLED IN THE OFFICER WHO HAD COMMANDED THE BOARDING PARTY, LT. PITA, WHO ALSO SAID THAT FORCE WAS JUSTIFIED AND CLAIMED THAT HE HAD ORDERED WARNING SHOTS FIRED SO NEPTUNE CREWMEN WOULD CLEAR THE RAIL AND PERMIT HIS MEN TO BOARD. I SAW NO POINT IN PURSUING THIS MATTER FURTHER.

"I SAID OUR IMMEDIATE PROBLEM WAS WHAT TO DO WITH THE NEPTUNE CREWMEN AND SUGGESTED THAT THEY BE SENT BACK ON BOARD THE VESSEL TO REMAIN THERE IN A DETENTION STATUS. DURING A TELEPHONE CALL TO GUAYAQUIL, BOTH GALARZA AND I SPOKE WITH RUIZ AND THIS SUGGESTION WAS ACCEPTED.

"GLARAZA THEN SAID THAT BEFORE HE WOULD ORDER THE MEN RETURNED TO THE SHIP, I WOULD HAVE TO ASSUME COMPLETE RESPONSIBILITY. I SAID I WOULD. HE THEN ORDERED AN ACTA RPT ACTA TYPED UP WHICH CONTAINED FIVE AREAS IN WHICH I WAS TO ASSUME RESPONSIBILITY:

- (1) HOLD IN DETENTION STATUS JAMES LARKINS, RICK BYRD, AND DON BYRD
  - (2) MAINTAIN DISCIPLINE OF THE CREWMEMBERS AND GUARANTEE THERE WOULD BE NO MORE OFFENSES ON THEIR PART AGAINST THE ECUADOREAN NAVY
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- (3) AGREE THAT CREWMEMBERS WHO HAD ASSAULTED ECUADOREAN SAILORS COME TO THE NAVAL BASE WHEN CALLED TO MAKE DECLARATIONS.
- (4) GUARANTEE THAT THE BOAT OWNER WOULD PAY ECUADOREAN SAILORS FOR LOST ITEMS AMOUNTING IN VALUE TO 14,980 SUCRES.
- (5) GUARANTEE PAYMENT OF MEDICAL EXPENSES FOR THE ECUADOREAN SAILOR INJURED IN THE EARLY MORNING INCIDENT WHICH LED TO THE BOARDING OF THE NEPTUNE.

"WHEN I OBJECTED TO SOME OF THE WORDING I WAS TOLD I MUST SIGN IF THE CREW WAS TO RETURN TO THE BOAT. I SAID SINCE I WAS GOING TO BE RESPONSIBLE FOR EVERYTHING, I WANTED ALL MEMBERS OF THE BOARDING PARTY OFF THE NEPTUNE BEFORE THE CREW RETURNED TO THE VESSEL AND I WANTED THE ECUADOREAN GUARD FORCE REDUCED. THE FIRST REQUEST WAS ACCEPTED AND, AFTER A BRIEF DISCUSSION, WE AGREED ON A GUARD FORCE OF ONE PETTY OFFICER ARMED WITH A .45 AND ONE SAILOR ARMED WITH A NIGHT STICK. I SIGNED THE ACTA RPT ACTA."

3. ON MARCH 7 I ATTENDED ALL SESSIONS OF HEARINGS CONCERNING LARKINS AND TWO BYRDS. AT ABOUT 1700 NAVAL ZONE LEGAL ADVISOR ASKED ME IF I HAD SIGNED AN "ACTA". I SAID THAT I HAD. AFTER A TELEPHONE CALL TO RUIZ, SALAZAR TOLD ME THAT CHARGES OF 14,980 SUCRES LISTED IN ACTA WOULD BE REDUCED TO 8,720 SUCRES, THE LOWEST HE COULD MAKE IT. HE SAID

THIS SUM WOULD BE PART OF LARKINS' SENTENCE (GUAYAQUIL 408 GIVES FINAL SENTENCE) AND THAT ALL FINANCIAL CHARGES LEVIED AGAINST LARKINS WOULD BE INCLUDED IN NEPTUNE'S PORT FEES.  
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